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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

January 28, 1993.

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Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street N.W., Room 222
Washington, D.C. 20554

Re: PR Docket No. 92-154; Reply Comments of the Arctic Amateur
Radio Club, Inc.; Motion to Allow Late Filing of Reply
Comments by the Arctic Amateur Radio Club, Inc.; and
Affidavit of Frederic E. Brown.

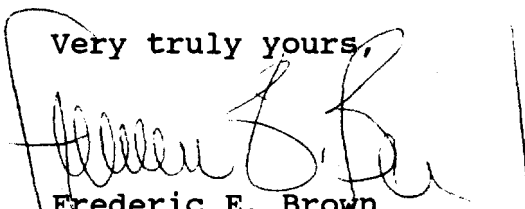
Dear Ms. Searcy:

Enclosed herewith for filing please find the original and
nine copies of the above-described documents, to meet the formal
filing requirement and to provide a personal copy for each Com-
missioner.

The motion and the proposed reply comments recite variously
that they are supported or joined by several of the Alaskan
parties who filed earlier filed comments, and by one Alaskan
party who did not.

Thank you for your attention to these matters.

Very truly yours,


Frederic E. Brown
Attorney for the Arctic
Amateur Radio Club, Inc.

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FEB - 1 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARYBefore the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

)
Amendment of the Amateur Radio
Service Rules to Include Novice
Class Operator License
Examinations in the Volunteer
Examiner Coordinator Examination
System)RECEIVED
FEB 1 1993
PR Docket No. 92-154
MAIL ROOM**REPLY COMMENTS
OF THE ARCTIC AMATEUR RADIO CLUB, INC.**

The Arctic Amateur Radio Club, Inc. ("AARC"), offers the following reply comments pursuant to §1.415(c) of the Commission rules (47 C.F.R. §1.415(c)), and pursuant to an accompanying motion requesting the Commission to allow the late filing of this document by relaxing its rules upon good cause shown therefor, pursuant to §1.3 of its rules (47 C.F.R. §1.3). The undersigned counsel also certifies that the following Alaskan parties who filed comments in this docket join in these reply comments: the Anchorage Amateur Radio Club - VEC; Roger Hansen, KL7HFQ; Robert Caldwell Wilson, AL7KK; Dr. Robert O. Baker, Sr., NL7UH; and William John Raynsford, AL7JK. (AARC was not able to contact Craig S. Chansler, another Alaskan who also filed comments.) Also, while the Juneau Amateur Radio Club ("JARC") did not file comments, its president and board of directors have authorized this counsel to state that JARC also joins these reply comments.

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1. Interest of AARC. AARC was organized in Fairbanks, Alaska in 1939 as an unincorporated association, was reorganized as an Alaska non-profit corporation more than twenty-five years ago, and has been independent from but affiliated with the American Radio Relay League, Inc. ("ARRL" or the "League") for most of AARC's life of fifty-four years. It may be the oldest amateur radio club in Alaska, and in membership is the second-largest in the state. When the volunteer examiner coordinator ("VEC") system of amateur license examination was first established by the Commission, AARC first intended to apply to be a VEC but, upon learning that the Anchorage Amateur Radio Club ("Anchorage ARC") was applying, instead adopted the view that its qualifying members could provide such services as volunteer examiners ("VE's"), coordinated by the Anchorage club (as the "Anchorage ARC-VEC"). Currently, amateur radio examinations in interior Alaska are given and monitored by amateurs who are members -- and usually officers or directors -- of AARC and of the Borealis Amateur Radio Club (a smaller club based in North Pole, Alaska, about thirteen miles from Fairbanks). Usually, arrangements for testing rooms or space, scheduling and publicity regarding such examinations are handled by AARC club officers or directors, and some examination sessions are held directly in conjunction with other club events. Clearly, AARC has a vital interest in the matters proposed in the current docket.

2. Direct Comments Adequate. During the period for direct comments upon the current proposed rulemaking, several Alaskan parties offered objections to applying the proposed rules to Alaska or to rural Alaska, views shared by AARC. (See the comments of: Roger Hansen, KL7HFQ ("Hansen"); the Anchorage ARC-VEC; Robert Caldwell Wilson; and Robert O. Baker, Sr. and Robert O. Baker). As

to the conclusions drawn by these parties, AARC can easily support the view of either the Anchorage ARC-VEC that the novice examination system be left unchanged (or at least unchanged as to Alaska) or, alternatively, changed (at least as to Alaska) by continuing the novice two-examiner system but under the VEC program in the manner suggested by Hansen (who actually spearheads the activities of the Anchorage ARC-VEC). However, the reasons given for these well-conceived conclusions were, in a way, attacked head on by ARRL in its reply comments, with what were well-intentioned promises that simply cannot be kept by ARRL.

3. ARRL Cannot Assure Adequate Novice Examinations under the proposed Rules. In a way, ARRL offered some of Alaska's points, and then discarded them. The League noted the "numerous comments from Alaska" making the point "in the strongest possible terms" that

bringing the Novice examinations within the VE system would greatly reduce the number of available examinations in rural areas, thus making it difficult or expensive for candidates, particularly young candidates, to obtain any amateur license at all. [Reply Comments of ARRL, p. 2.]

In response, in a footnote on the same page, the League began its incredible promises:

The League has always maintained as its goal for the Volunteer Examiner program that no person who wants to take an amateur examination should be deprived of the opportunity to do so because the examination is unavailable geographically or temporally. *Regardless of the outcome of this proceeding, the League will make amateur examinations available to those in rural Alaska to the best of its ability to do so, not only for Novice class candidates, but for all other classes of license as well.* [Idem, footnote, page 2. Emphasis supplied.]

Later, a strange logic is given, and the promise is repeated again:

There will always, no matter how many examination opportunities are available, be hardships for those in truly rural environments. Alaskans depend on Amateur Radio to a greater extent than do the rest of the population. *It is up to the VECs to ensure that examination opportunities do not decrease as the result of the proposed rule change. Speaking for the ARRL-VEC, a significant effort will be made to ensure that examination opportunities expand for those in Alaska and other rural areas, and that those persons are not prevented from becoming licensed in the Amateur Radio Service.* The issue of availability is, however, in this instance a practical problem, not a regulatory one. [*Idem*, pp. 4-5.]

Of course, if the "practical" problems of huge travel expenses *could* be met by the ARRL-VEC, which in fact coordinates very few of the examinations given in Alaska, then it could meet this promise. The Commission should take official notice of the budget of the ARRL, published in QST Magazine at least once a year. Is ARRL going to pay the air fare of a third novice-license examiner to travel roadless spans across Alaska's wilderness? Or will it subsidize the Anchorage ARC? Therefore it may need the following information for budgeting such subsidies:

Typical Round-Trip Air Fares in Alaska, December 1992

Anchorage-St.Paul/St.George (Pribilof Is.)	\$ 1054.00
Anchorage-Nome	580.00
Nome-Gambell	220.00
Anchorage-Bethel	342.00
Anchorage-Barrow	520.00
Anchorage-Dutch Harbor	1,044.00

The following also require military clearance:

Anchorage-Adak	742.00
Anchorage-Shemya	1,398.00

Almost exclusively, the means of communicating across the far reaches of Alaska by amateur radio is HF radio on frequencies in the 3.5-4.0 Mhz and 7.0-7.3 Mhz bands, and for such communications the novice license is the starting point. Persons in *wilderness* Alaska ("rural" is a misnomer) -- that is, in most of Alaska's land mass -- simply cannot come to Fairbanks, Anchorage or Juneau to take a novice

exam, like someone commutes from Baltimore to Washington, D.C. The distance from Anchorage to Dutch Harbor is of the same order of magnitude as that from St. Louis, Missouri, to San Diego, California: but no superhighways, thank you. Dutch Harbor is toward the end of the Aleutian Chain, closer to the Russian Republic than to Anchorage or Fairbanks. Even in the few areas of Alaska that have connecting highways, persons who live in (say) Tok, a small town on the Alaska Highway near the Canadian border, must drive more than 200 miles to Fairbanks to take VEC-provided examinations. (In midwinter, this could be at -50^o Fahrenheit.)

That is, excepting the treacherous, poorly-maintained Dalton Highway to the oilfields, the northern portion of which is *closed* to nonindustrial traffic (and which does *not* connect to Barrow or any other pre-pipeline coastal town or village), the entire Alaskan interconnecting highway "network" describes an approximate quadrant from Fairbanks on the northwest, Tok on the northeast, Anchorage and the Kenai Peninsula (Homer, Seward, Kenai) on the southwest, and Valdez on the southeast. It excludes the entire western half of the non-island main body of Alaska, and (overlapping with that) the northern half (either of which is not much smaller than the state of California), as well as excluding all of southeast Alaska (which uses ferries to move automobiles between communities), and all of Alaska's islands (more islands than are under the U.S. flag on all of the rest of the planet).

But the ARRL has -- no doubt not understanding the consequences -- promised that if the current proposal is adopted as to Alaska, it will "make amateur examinations available to those in rural Alaska to the best of its ability to do so, not only for Novice class candidates, but for all other classes of license as well . . ."

AARC can, in turn, with just as much credibility, promise that it will *to the best*

of its ability, abolish all poverty on Earth in the next week. Of course, we have no more ability to abolish poverty than the League has to provide novice examinations in "rural" Alaska, unless it wants to greatly increase its membership dues and spend massive amounts of money in only one of the fifty states it serves.

ARRL is not the major VEC for Alaska. The Anchorage ARC-VEC coordinates the bulk of Alaskan amateur examinations (as can be confirmed by the FCC's own license-application records). It does not charge any fee for its services, and Mr. Hansen and the many VE's across the state pay money from their own pockets that is not reimbursed by anyone, in attempts to make a dent in the wilderness and help at least some wilderness inhabitants -- who may need HF radio more than anyone else in the country -- become licensed amateur radio operators. This past autumn Mr. Hansen received an inquiry from Bettles, Alaska, from one person who thought he could take exams by mail, only to find out that an unaffordable air fare to Fairbanks or Anchorage was necessary. This is a too-common occurrence. Bill Connor, AL7FQ, a VE who is the AARC board member most frequently spearheading the Anchorage-ARC-coordinated examinations in the Fairbanks area, finds people in Alaska's bush villages currently discouraged from attempting amateur licensure.

Bethel, a town near the mouth of the Yukon and Kuskokwim Rivers in western Alaska, provides a graphic example. Currently there are three amateur-extra licensees, but only two are usually available to give exams. Mr. Hansen tries to get there when he can find the funds to do so (without charging for examinations), but at least the amateurs in Bethel can, under *current* regulations, give novice examinations, and, indeed, there are now about thirty licensed novices in Bethel -- *none of whom could have been licensed there under the current proposal*.

So, when ARRL says that "[i]t is up to the VECs to ensure that examination opportunities do not decrease as the result of the proposed rule change," it is really saying that the Anchorage ARC-VEC and its VEs -- who really currently provide most license exams -- must somehow "ensure" the opportunity for licensure. While the League immediately goes on to say, purportedly speaking for itself, that "a significant effort will be made to ensure that examination opportunities expand for those in Alaska and other rural areas . . .," the promise, though well-intended, is empty.

Oddly, the League itself touches on the solution to the problem just before it draws these strange conclusions:

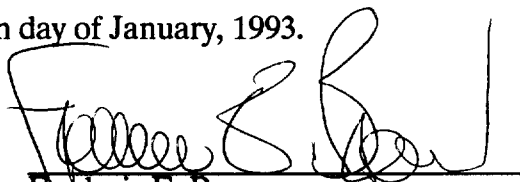
However, the Commission has always acknowledged that in Alaska, regulations that are not a problem in the lower 48 states often provide significant obstacles for licensees. On occasion the Commission has made exceptions within rules, and granted waivers where equity dictates in order to ensure that licensees in Alaska, with its vast territory and rural character, are protected against otherwise inequitable circumstances. [ARRL Comments, at p. 4.]

Logically, then, Alaska's unique circumstances require that the rule here be a different one.

One such solution is that offered by Mr. Hansen himself, to continue the current two-general-class examiner requirement for novices in Alaska, but have them coordinated by a VEC -- which, of course, will really be the Anchorage ARC-VEC -- in such a manner as to solve the logistical and paperwork difficulties cited in the Notice of Proposed Rulemaking in this case (*see* Hansen's Comments, at p. 2). Or, perhaps some other Alaskan solution can be crafted by the Commission or its staff from the various suggestions made by the Alaskan commenters.

In any event, the Commission is urged *not* to rely upon the well-intentioned but misguided promises made by ARRL that apparently were offered as assurances that "somehow" the adverse effects that the proposed rules *will* have on Alaskans could somehow be alleviated. Such promises can't be kept. Not in country where the temperatures vary from -75⁰ to + 100⁰, most communities are not connected by roads, distances are reckoned in the hundreds or even thousands of miles, air travel is extremely costly, climates range from those of the arctic to the pacific-northwest rain forest, and most of the land is still wilderness spread over nearly half a million square miles.

DATED at Fairbanks, Alaska, this 28th day of January, 1993.



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